



Notice of Opportunity to Comment - Transportation Planning, Programming, Funding, and Reporting Rules

The Texas Department of Transportation (department) is soliciting comments for potential revisions to department rules in Title 43 Texas Administrative Code, Chapter 16 involving transportation planning, programming, funding, and reporting.

The current transportation planning, programming, funding, and reporting rules in Chapter 16 became effective on January 1, 2011. The rules were adopted by the Texas Transportation Commission (commission) to establish a transparent, well-defined, and understandable process for project planning and programming. Provisions in the rules were based on recommendations made in 2009 by the Texas Legislature's Sunset Advisory Commission and a Transportation Planning and Project Development Rulemaking Advisory Committee comprised of eleven members, including representatives from large urban metropolitan planning organizations, small urban metropolitan planning organizations, counties, transit organizations, tolling authorities, small cities, councils of governments, and the Federal Highway Administration.

The 82nd Legislature in 2011 adopted SB 1420 as the department's sunset bill. Although most of the bill's provisions dealing with planning, programming, funding, and project/expenditure reporting are consistent with the department's current rules in Chapter 16, there are some differences. Based on the requirements of SB 1420 and the need to provide more clarity and flexibility, the department drafted proposed amendments to the rules. Those amendments, if adopted in a format similar to the latest draft, will make changes in all five subchapters of Chapter 16.

1. Subchapter A "General Provisions" -- Changes include new definitions in §16.2 and a new flow chart in §16.4.
2. Subchapter B "Transportation Planning" -- Changes include new requirements for both the long-range 20+ year metropolitan transportation plan for metropolitan planning organizations in §16.53 and the statewide long-range transportation plan for the department in §16.54. The changes seek to maximize the integration of all plans and programs for consistency and accountability.
3. Subchapter C "Transportation Programs" -- Changes include (a) revisions to public involvement procedures in §§16.102, 16.103, and 16.105 to reduce duplication of efforts and improve efficiency and flexibility; (b) new requirements in §16.105 for developing the ten year unified transportation program including priority ranking of projects, additional project selection criteria, and expansion of the administrative revision concept for minor changes to the unified transportation program; and (c) new requirements in §16.106 for defining, listing, and establishing benchmarks for major transportation projects.
4. Subchapter D "Transportation Funding" -- Changes include additions to the description of program funding categories in §16.154 to clarify the distinction of those funding



categories based on allocation programs that allocate both funding and the responsibility for selection of projects, and those funding categories based on the allocation of funding for specific projects.

5. Subchapter E "Project and Performance Reporting" -- Changes include (a) revisions to annual reporting requirements to consolidate those requirements in §§16.201, 16.202, and 16.203; and (b) new project and expenditure reporting requirements in §§16.202, 16.203, and 16.204.

The department is seeking both general ideas and specific language suggestions. Comments on specific text changes should include appropriate citations to sections, subsections, paragraphs, etc. of the draft rules for proper reference. The latest version of the draft planning and programming rules is available online at:

http://txdot.gov/public_involvement/chapter16_revisions.htm

The department will accept only written comments and they should be addressed to Bob Jackson, General Counsel, 150 East Riverside Drive, Austin, Texas 78704, or via email to robin.carter@txdot.gov. The deadline for receipt of comments is 5:00 p.m. on March 20, 2012.

The department will not respond individually to comments received pursuant to this notice. Comments will be reviewed and considered by the department prior to presenting a final draft of the rules and a recommendation to the Texas Transportation Commission. If planning and programming rules are formally proposed for adoption by the commission, those proposed rules will be published in the *Texas Register* and provide for a comment period prior to final adoption.